

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

-against-

10-CR-771 (NG)

GUSTAVE DRIVAS, et al.,

Defendants.
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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In this Medicare fraud prosecution, defendants Gustave Drivas (“Drivas”) and Yuri Khandrius (“Khandrius”) (collectively, “defendants”) have each moved for a bill of particulars pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure. See Khandrius Motion for Bill of Particulars and Other Requested Relief ¶¶ 64-75, Electronic Case Filing Document Entry (“DE”) #244-1; Drivas Motion for Bill of Particulars ¶¶ 64-72, DE #252.¹ The Government opposes both motions. See Government’s Memorandum of Law in Opposition to Defendants’ Pretrial Motions (“Gov. Opp.”) at 15-19, DE #262.

As noted in the Government’s opposition, see Gov. Opp. at 15, neither Drivas nor Khandrius has articulated what information they seek to elicit from the Government in their respective bill of particulars. See, e.g., United States v. Shteyman, No. 10 CR 347 (SJ), 2011 WL 2006291, at *2 (E.D.N.Y. May 23, 2011) (defendant bears burden of showing information sought in bill of particulars was necessary and that he would be prejudiced without

¹ A third defendant, Katherina Kostiochenko, has also moved for a bill of particulars, see Notice of Motion, DE #235, but that motion will not be fully submitted until July 17, 2012, due to ongoing plea discussions. See Letter as to Katherina Kostiochenko (June 21, 2012), DE #275.

it). Therefore, defendants are directed to identify in writing, via ECF, no later than Monday, July 9, 2012, what additional information they claim that they need to understand the nature of the charges against them. See United States v. Kazarian, No. 10 CR. 895 (PGG), 2012 WL 1810214, at *25 (S.D.N.Y. May 18, 2012) (purpose of bill of particulars is “to enable defendants to identify with sufficient particularity the nature of the charges against them”) (internal quotations and citations omitted). The Government’s response will be due, via ECF, by the close of business on Thursday, July 12, 2012.

SO ORDERED.

**Dated: Brooklyn, New York
July 2, 2012**

/s/ Roanne L. Mann
ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE